

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

TYSHAWN BURGESS *et al.*,

Defendants.

No. 18-cr-373 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

IT IS HEREBY ORDERED THAT Defendant's request for a virtual sentencing is DENIED without prejudice. Although the Southern District of New York's Fourth Amended Standing Order related to Video Teleconferencing and Telephone Conferencing for Criminal Proceedings, 20-mc-176 (Mar. 11, 2021) permits virtual felony sentencings, it does not require or even encourage them. Moreover, before the Court may conduct a virtual sentencing, the CARES Act requires the assigned judge to make "specific" findings "that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice." CARES ACT, PL 116-136, § 15002(b)(2)(A) (2020). Accordingly, If Defendant wishes to proceed remotely at his June 16 sentencing, he may file a supplemental submission explaining why a remote sentencing would be in the interest of justice.

SO ORDERED.

Dated: June 2, 2021
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation